

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER

DO NOT WRITE IN THIS SPACE

Case

01-CA-089432

Date Filed

September 18, 2012

INSTRUCTIONS:

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer Harvard University		b. Tel. No. 617-496-9193
		c. Cell No.
		f. Fax No. 617-496-3998
d. Address (Street, city, state, and ZIP code) 1 Oxford Street Cambridge, MA 02138	e. Employer Representative William Murphy, Director of Labor and Employment Relations	g. e-Mail
		h. Number of workers employed 300
i. Type of Establishment (factory, mine, wholesaler, etc.) University	j. Identify principal product or service Education	

k. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) 8 (a)(5) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

The Respondent is not following the contract and is not distributing overtime equitably. Supervisors are discriminating against certain employees.

3. Full name of party filing charge (if labor organization, give full name, including local name and number)

(b) (6), (b) (7)(C)

4a. Address (Street and number, city, state, and ZIP code)

(b) (6), (b) (7)(C)

4b. Tel. No. (b) (6), (b) (7)(C)

4c. Cell No. (b) (6), (b) (7)(C)

4d. Fax No.

4e. e-Mail

(b) (6), (b) (7)(C)

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)

6. DECLARATION

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.

By (b) (6), (b) (7)(C)
(signature on making charge)

(b) (6), (b) (7)(C)

Tel. No. (b) (6), (b) (7)(C)

Office, if any, Cell No.

Fax No.

e-Mail

(b) (6), (b) (7)(C)

Address (b) (6), (b) (7)(C)

09/18/12
(date)

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 1
10 CAUSEWAY ST
6TH FLOOR
BOSTON, MA 02222-1001

Agency Website: www.nlr.gov
Telephone: (617)565-6700
Fax: (617)565-6725

September 19, 2012

WILLIAM MURPHY
DIRECTOR OF LABOR AND EMPLOYEE RELATIONS
HARVARD UNIVERSITY
1 OXFORD STREET
CAMBRIDGE, MA 02138-2901

Re: Harvard University
Case 01-CA-089432

Dear Mr. Murphy:

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Attorney LAURA PAWLE whose telephone number is (617) 565-6739. If this Board agent is not available, you may contact Supervisory Attorney KATHLEEN F. MCCARTHY whose telephone number is (617) 565-6754.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing Form NLRB-4701, Notice of Appearance. This form is available on our website, www.nlr.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent.

Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the Freedom of Information Act and the Federal Records Act. Thus, we will not honor any claim of confidentiality except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material you submit may be introduced as evidence at any hearing before an administrative law judge. We are also required by the Federal Records Act to keep copies of documents gathered in our investigation for some years after a case closes. Further, the Freedom of Information Act may require that we disclose such records in closed cases upon request, unless there is an applicable exemption. Examples of those exemptions are those that protect confidential financial information or personal privacy interests.

Procedures: We strongly urge everyone to submit all documents and other materials (except unfair labor practice charges and representation petitions) by E-Filing (not e-mailing) through our website, www.nlr.gov. However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlr.gov or from an NLRB office upon your request. NLRB Form 4541 offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

/s/ Ronald S. Cohen

Ronald S. Cohen
Acting Regional Director

Enclosures:

1. Copy of Charge
2. Commerce Questionnaire

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

HARVARD UNIVERSITY

Charged Party

and

(b) (6), (b) (7)(C)

Charging Party

Case 01-CA-089432

AFFIDAVIT OF SERVICE OF CHARGE AGAINST EMPLOYER

I, the undersigned employee of the National Labor Relations Board, state under oath that on September 19, 2012, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

WILLIAM MURPHY, DIRECTOR OF
LABOR AND EMPLOYEE RELATIONS
HARVARD UNIVERSITY
1 OXFORD STREET
CAMBRIDGE, MA 02138-2901

September 19, 2012

Date

Joan Collins, Designated Agent of NLRB

Name

Signature



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 1
10 CAUSEWAY ST
6TH FLOOR
BOSTON, MA 02222-1001

Agency Website: www.nlrb.gov
Telephone: (617)565-6700
Fax: (617)565-6725

September 19, 2012

(b) (6), (b) (7)(C)

Re: Harvard University
Case 01-CA-089432

Dear (b) (6), (b) (7)(C):

The charge that you filed in this case on September 18, 2012 has been docketed as case number 01-CA-089432. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge will be investigated by Field Attorney LAURA PAWLE whose telephone number is (617) 565-6739. If the Board agent is not available, you may contact Supervisory Attorney KATHLEEN F. MCCARTHY whose telephone number is (617) 565-6754.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, www.nlrb.gov, or at the Regional office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

Procedures: We strongly urge everyone to submit all documents and other materials (except unfair labor practice charges and representation petitions) by E-Filing (not e-mailing) through our website www.nlr.gov. However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website www.nlr.gov or from the Regional Office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

/s/ Ronald S. Cohen

Ronald S. Cohen
Acting Regional Director

AMENDED
UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER

DO NOT WRITE IN THIS SPACE

Case

01-CA-089432

Date Filed

Nov. 23, 2012

INSTRUCTIONS:

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer

Harvard University

b. Tel. No. 617-496-9193

c. Cell No.

f. Fax No. 617-496-3998

d. Address (Street, city, state, and ZIP code)

1 Oxford Street
Cambridge, MA 02138

e. Employer Representative

William Murphy, Director of Labor and
Employment Relations

g. e-Mail

h. Number of workers employed
300

i. Type of Establishment (factory, mine, wholesaler, etc.)
University

j. Identify principal product or service
Education

k. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) 8(a)(3) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

The Employer discriminatorily transferred (b) (6), (b) (7)(C) on or about (b) (6), (b) (7)(C) 2012.

3. Full name of party filing charge (if labor organization, give full name, including local name and number)

(b) (6), (b) (7)(C)

4a. Address (Street and number, city, state, and ZIP code)

(b) (6), (b) (7)(C)

4b. Tel. No. (b) (6), (b) (7)(C)

4c. Cell No. (b) (6), (b) (7)(C)

4d. Fax No.

4e. e-Mail

(b) (6), (b) (7)(C)

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)

6. DECLARATION

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.

By

(b) (6), (b) (7)(C)

(signature) (person making charge)

(b) (6), (b) (7)(C)

(Print/type name and title or office, if any)

Tel. No. (b) (6), (b) (7)(C)

Office, if any, Cell No.

Fax No.

e-Mail

(b) (6), (b) (7)(C)

Address

(b) (6), (b) (7)(C)

11/23/12
(date)

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 01
10 CAUSEWAY ST
6TH FLOOR
BOSTON, MA 02222-1001

Agency Website: www.nlr.gov
Telephone: (617)565-6700
Fax: (617)565-6725

November 29, 2012

WILLIAM MURPHY,
DIRECTOR OF LABOR AND EMPLOYEE RELATIONS
HARVARD UNIVERSITY
1 OXFORD STREET
CAMBRIDGE, MA 02138-2901

Re: Harvard University
Case 01-CA-089432

Dear Mr. Murphy:

Enclosed is a copy of the first amended charge that has been filed in this case.

Investigator: This charge is being investigated by Field Attorney Laura Pawle whose telephone number is (617) 565-6739. If the agent is not available, you may contact Supervisory Attorney Kathleen F. McCarthy whose telephone number is (617) 565-6754.

Presentation of Your Evidence: As you know, we seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations in the first amended charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Procedures: Your right to representation, the means of presenting evidence, and a description of our procedures, including how to submit documents, was described in the letter sent to you with the original charge in this matter. If you have any questions, please contact the Board agent.

Very truly yours,

/s/ Ronald S. Cohen

Ronald S. Cohen
Acting Regional Director

RSC/ln

Enclosure: Copy of first amended charge

cc: ELIZABETH P. SEAMAN, UNIVERSITY ATTORNEY
HARVARD UNIVERSITY - OFFICE OF THE GENERAL COUNSEL
1350 MASSACHUSETTS AVE., SUITE 980
CAMBRIDGE, MA 02138-3846

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

HARVARD UNIVERSITY

Charged Party

and

(b) (6), (b) (7)(C)

Charging Party

Case 01-CA-089432

AFFIDAVIT OF SERVICE OF FIRST AMENDED CHARGE AGAINST EMPLOYER

I, the undersigned employee of the National Labor Relations Board, being duly sworn, say that on November 29, 2012, I served the above-entitled document(s) by regular mail upon the following persons, addressed to them at the following addresses:

WILLIAM MURPHY,
DIRECTOR OF LABOR AND EMPLOYEE RELATIONS
HARVARD UNIVERSITY
1 OXFORD STREET
CAMBRIDGE, MA 02138-2901

ELIZABETH P. SEAMAN, UNIVERSITY ATTORNEY
HARVARD UNIVERSITY - OFFICE OF THE GENERAL COUNSEL
1350 MASSACHUSETTS AVE., SUITE 980
CAMBRIDGE, MA 02138-3846

November 29, 2012

Date

Lily Nguyen, Designated Agent of NLRB

Name

/s/ Lily Nguyen

Signature



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 01
10 CAUSEWAY ST
6TH FLOOR
BOSTON, MA 02222-1001

Agency Website: www.nlrb.gov
Telephone: (617)565-6700
Fax: (617)565-6725

November 29, 2012

(b) (6), (b) (7)(C)

Re: Harvard University
Case 01-CA-089432

Dear (b) (6), (b) (7)(C):

We have docketed the first amended charge that you filed in this case.

Investigator: This charge is being investigated by Field Attorney Laura Pawle whose telephone number is (617) 565-6739. If the agent is not available, you may contact Supervisory Attorney Kathleen F. McCarthy whose telephone number is (617) 565-6754.

Presentation of Your Evidence: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. If you have additional evidence regarding the allegations in the first amended charge and you have not yet scheduled a date and time for the Board agent to obtain that evidence, please contact the Board agent to arrange to present that evidence. If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed.

Procedures: Your right to representation, the means of presenting evidence, and a description of our procedures, including how to submit documents, was described in the letter sent to you with the original charge in this matter. If you have any questions, please contact the Board agent.

Very truly yours,

/s/ Ronald S. Cohen

Ronald S. Cohen
Acting Regional Director

RSC/ln



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 1
10 CAUSEWAY ST
6TH FLOOR
BOSTON, MA 02222-1001

Agency Website: www.nlr.gov
Telephone: (617)565-6700
Fax: (617)565-6725

May 14, 2013

ELIZABETH P. SEAMAN,
UNIVERSITY ATTORNEY
HARVARD UNIVERSITY
OFFICE OF THE GENERAL COUNSEL
1350 MASSACHUSETTS AVE., SUITE 980
CAMBRIDGE, MA 02138-3846

Re: HARVARD UNIVERSITY
Case 01-CA-089432

Dear Ms. Seaman:

This is to advise you that I have approved the withdrawal of the charge in the above matter.

Very truly yours,

/s/ Jonathan B. Kreisberg

JONATHAN B. KREISBERG
Regional Director

cc: WILLIAM MURPHY, DIRECTOR OF
LABOR AND EMPLOYEE RELATIONS
HARVARD UNIVERSITY
1 OXFORD STREET
CAMBRIDGE, MA 02138-2901

(b) (6), (b) (7)(C)

INTERNET
FORM NLRB-501
(2-08)UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER**DO NOT WRITE IN THIS SPACE**

Case

Date Filed

01-CA-095862

Jan. 3, 2013

INSTRUCTIONS:

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer

Harvard University

b. Tel. No. 617-496-9193

c. Cell No.

f. Fax No.

d. Address (Street, city, state, and ZIP code)

Massachusetts Hall
Cambridge, MA 02138

e. Employer Representative

William J. Murphy
Director of Labor and Employees
Relations

g. e-Mail

bill_murphy@harvard.edu

h. Number of workers employed
over 10,000i. Type of Establishment (factory, mine, wholesaler, etc.)
universityj. Identify principal product or service
education

k. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) (5) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

About January 2, 2013, the above-named Employer refused to provide information that the Union requested in connection with its investigation of a possible grievance over the layoff of employee (b) (6), (b) (7)(C).

3. Full name of party filing charge (if labor organization, give full name, including local name and number)

Harvard Union of Clerical and Technical Workers/AFSCME Local 3650

4a. Address (Street and number, city, state, and ZIP code)

(b) (6), (b) (7)(C)

4b. Tel. No. (b) (6), (b) (7)(C)

4c. Cell No. (b) (6), (b) (7)(C)

4d. Fax No.

4e. e-Mail

(b) (6), (b) (7)(C)

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization) American Federation of State, County and Municipal Employees

6. DECLARATION

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.

By (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(Print/type name and title or office, if any)

Tel. No.

(b) (6), (b) (7)(C)

Office, if any, Cell No.

Fax No.

e-Mail

(b) (6), (b) (7)(C)

Address (b) (6), (b) (7)(C)

1/3/13
(date)**WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)****PRIVACY ACT STATEMENT**

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 01
10 CAUSEWAY ST
6TH FLOOR
BOSTON, MA 02222-1001

Agency Website: www.nlr.gov
Telephone: (617)565-6700
Fax: (617)565-6725

January 7, 2013

WILLIAM MURPHY, DIRECTOR OF LABOR AND EMPLOYEE RELATIONS
HARVARD UNIVERSITY
MASSACHUSETTS HALL
CAMBRIDGE, MA 02138-2901

RE: HARVARD UNIVERSITY
CASE 01-CA-095862

Dear Mr. Murphy:

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Attorney LISA FIERCE whose telephone number is (617)565-6743. If this Board agent is not available, you may contact Deputy Regional Attorney ROBERT REDBORD whose telephone number is (617)565-6748.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing Form NLRB-4701, Notice of Appearance. This form is available on our website, www.nlr.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not enough to be

considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the Freedom of Information Act and the Federal Records Act. Thus, we will not honor any claim of confidentiality except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material you submit may be introduced as evidence at any hearing before an administrative law judge. We are also required by the Federal Records Act to keep copies of documents gathered in our investigation for some years after a case closes. Further, the Freedom of Information Act may require that we disclose such records in closed cases upon request, unless there is an applicable exemption. Examples of those exemptions are those that protect confidential financial information or personal privacy interests.

Procedures: We strongly urge everyone to submit all documents and other materials (except unfair labor practice charges and representation petitions) by E-Filing (not e-mailing) through our website, www.nlr.gov. However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlr.gov or from an NLRB office upon your request. NLRB Form 4541 offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink, appearing to read "Jonathan Kreisberg", written in a cursive style.

JONATHAN B. KREISBERG
REGIONAL DIRECTOR

Enclosures:

1. Copy of Charge
2. Commerce Questionnaire

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

HARVARD UNIVERSITY

Charged Party

and

**HARVARD UNION OF CLERICAL AND
TECHNICAL WORKERS, AMERICAN
FEDERATION OF STATE COUNTY AND
MUNICIPAL**

Charging Party

Case 01-CA-095862

AFFIDAVIT OF SERVICE OF CHARGE AGAINST EMPLOYER

I, the undersigned employee of the National Labor Relations Board, state under oath that on January 7, 2013, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

WILLIAM MURPHY, DIRECTOR OF
LABOR AND EMPLOYEE RELATIONS
HARVARD UNIVERSITY
1 OXFORD STREET
CAMBRIDGE, MA 02138-2901

January 7, 2013

Date

Carol J. Launsby

Name

/s/ Carol J. Launsby

Signature



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 01
10 CAUSEWAY ST
6TH FLOOR
BOSTON, MA 02222-1001

Agency Website: www.nlrb.gov
Telephone: (617)565-6700
Fax: (617)565-6725

January 7, 2013

(b) (6), (b) (7)(C)
HARVARD UNIVERSITY CLERICAL TECHNICAL
WORKERS, AFSCME, LOCAL 3650

(b) (6), (b) (7)(C)

RE: HARVARD UNIVERSITY
CASE 01-CA-095862

Dear (b) (6), (b) (7)(C):

The charge that you filed in this case on January 3, 2013 has been docketed as case number 01-CA-095862. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge will be investigated by Field Attorney LISA FIERCE whose telephone number is (617)565-6743. If the Board agent is not available, you may contact Deputy Regional Attorney ROBERT REDBORD whose telephone number is (617)565-6748.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, www.nlrb.gov, or at the Regional office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

Procedures: We strongly urge everyone to submit all documents and other materials (except unfair labor practice charges and representation petitions) by E-Filing (not e-mailing) through our website www.nlr.gov. However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website www.nlr.gov or from the Regional Office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink, appearing to read "Jonathan Kreisberg", written in a cursive style.

JONATHAN B. KREISBERG
REGIONAL DIRECTOR

cc: JOHN C. DEMPSEY, GENERAL
COUNSEL
AMERICAN FEDERATION OF STATE,
COUNTY & MUNICIPAL
EMPLOYEES (AFSCME), AFL-CIO
1101 17TH ST., N.W., SUITE 900
WASHINGTON, DC 20036-4712

From: [Fierce, Lisa](#)
To: (b) (6), (b) (7)(C)
Subject: RE: Withdrawal of 01-CA-095862 ((b) (6), (b) (7)(C))
Date: Monday, March 11, 2013 1:48:00 PM

O.k., thanks, (b) (6), (b) (7)(C).

From: (b) (6), (b) (7)(C) [mailto:(b) (6), (b) (7)(C)]
Sent: Monday, March 11, 2013 1:39 PM
To: Fierce, Lisa
Subject: Withdrawal of 01-CA-095862 ((b) (6), (b) (7)(C))

Dear Lisa,

In the interest of having better relations between the union and management, you can treat Case 01-CA-095862 ((b) (6), (b) (7)(C)) as a withdrawal.

Thank you,

(b) (6), (b) (7)(C), HUCTW/AFSCME Local 3650



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 01
10 CAUSEWAY ST
6TH FLOOR
BOSTON, MA 02222-1001

Agency Website: www.nlr.gov
Telephone: (617)565-6700
Fax: (617)565-6725

March 27, 2013

ELIZABETH P. SEAMAN, UNIVERSITY ATTORNEY
HARVARD UNIVERSITY - OFFICE OF THE GENERAL COUNSEL
1350 MASSACHUSETTS AVE., SUITE 980
CAMBRIDGE, MA 02138-3846

Re: HARVARD UNIVERSITY
Case 01-CA-095862

Dear Ms. SEAMAN:

This is to advise you that I have approved the withdrawal of the charge in the above matter.

Very truly yours,

/s/ Jonathan B. Kreisberg

JONATHAN B. KREISBERG
Regional Director

cc: WILLIAM MURPHY, DIRECTOR OF
LABOR AND EMPLOYEE RELATIONS
HARVARD UNIVERSITY
1 OXFORD STREET
CAMBRIDGE, MA 02138-2901

(b) (6), (b) (7)(C)

HARVARD UNIVERSITY CLERICAL
TECHNICAL WORKERS/AMERICAN
FEDERATION OF STATE, COUNTY
AND MUNICIPAL EMPLOYEES,
LOCAL 3650

(b) (6), (b) (7)(C)

WILLIAM LURYE
GENERAL COUNSEL
AMERICAN FEDERATION OF STATE,
COUNTY & MUNICIPAL EMPLOYEES
(AFSCME), AFL-CIO
1101 17TH ST., N.W., SUITE 900
WASHINGTON, DC 20036-4712

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER

DO NOT WRITE IN THIS SPACE

Case

01-CA-108322

Date Filed

6/28/13

INSTRUCTIONS:

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer

b. Tel. No.

617 496-9193

c. Cell No.

f. Fax No.

g. e-Mail

bill_murphy@harvard.edu

h. Number of workers employed

> 10,000

Harvard University

d. Address (Street, city, state, and ZIP code)

Massachusetts Hall
Cambridge MA
02136

e. Employer Representative

William Murphy

i. Type of Establishment (factory, mine, wholesaler, etc.)

University

j. Identify principal product or service

Education

k. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (2) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

Within the past six months, the above-named Employer has failed to provide certain information and delayed in providing certain information requested by the Union on April 8, 2013, which was necessary and relevant in its processing of a grievance over the discipline and termination of employee (b) (6), (b) (7)(C).

3. Full name of party filing charge (if labor organization, give full name, including local name and number)

Harvard Union of Clerical and Technical Workers / American Federation of State, County and Municipal Employees Local 3650

4a. Address (Street and number, city, state, and ZIP code)

(b) (6), (b) (7)(C)

4b. Tel. No.

(b) (6), (b) (7)(C)

4c. Cell No.

4d. Fax No.

4e. e-Mail

(b) (6), (b) (7)(C)

6. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)

American Federation of State, County and Municipal Employees

6. DECLARATION

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.

By

(b) (6), (b) (7)(C)

(Signature of person filing charge)

(b) (6), (b) (7)(C)

(Print type name and title or office, if any)

Tel. No.

(b) (6), (b) (7)(C)

Office, if any, Cell No.

Fax No.

e-Mail

Address (b) (6), (b) (7)(C)

6/28/13

(date)

(b) (6), (b) (7)(C)

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

ORIGINAL



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 1
10 CAUSEWAY ST
6TH FLOOR
BOSTON, MA 02222-1001

Agency Website: www.nlr.gov
Telephone: (617)565-6700
Fax: (617)565-6725

July 1, 2013

WILLIAM MURPHY
HARVARD UNIVERSITY
MASSACHUSETTS HALL
CAMBRIDGE, MA 02138

Re: HARVARD UNIVERSITY
Case 01-CA-108322

Dear Mr. Murphy:

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Attorney EMILY G. GOLDMAN whose telephone number is (617)565-6734. If this Board agent is not available, you may contact Supervisory Attorney LAURA A. SACKS whose telephone number is (617)565-6721.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing Form NLRB-4701, Notice of Appearance. This form is available on our website, www.nlr.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent.

July 1, 2013

Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the Freedom of Information Act and the Federal Records Act. Thus, we will not honor any claim of confidentiality except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material you submit may be introduced as evidence at any hearing before an administrative law judge. We are also required by the Federal Records Act to keep copies of documents gathered in our investigation for some years after a case closes. Further, the Freedom of Information Act may require that we disclose such records in closed cases upon request, unless there is an applicable exemption. Examples of those exemptions are those that protect confidential financial information or personal privacy interests.

Procedures: We strongly urge everyone to submit all documents and other materials (except unfair labor practice charges and representation petitions) by E-Filing (not e-mailing) through our website, www.nlr.gov. However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlr.gov or from an NLRB office upon your request. NLRB Form 4541 offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,



JONATHAN B. KREISBERG
Regional Director

Enclosures:

1. Copy of Charge
2. Commerce Questionnaire

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

HARVARD UNIVERSITY

Charged Party

and

**HARVARD UNION OF CLERICAL AND
TECHNICAL WORKERS, AMERICAN
FEDERATION OF STATE COUNTY AND
MUNICIPAL**

Charging Party

Case 01-CA-108322

AFFIDAVIT OF SERVICE OF CHARGE AGAINST EMPLOYER

I, the undersigned employee of the National Labor Relations Board, state under oath that on July 1, 2013, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

WILLIAM MURPHY
HARVARD UNIVERSITY
MASSACHUSETTS HALL
CAMBRIDGE, MA 02138

July 1, 2013

Date

Christine Sullivan, Designated Agent of
NLRB

Name

/s/ Christine Sullivan

Signature



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 1
10 CAUSEWAY ST
6TH FLOOR
BOSTON, MA 02222-1001

Agency Website: www.nlr.gov
Telephone: (617)565-6700
Fax: (617)565-6725

July 1, 2013

(b) (6), (b) (7)(C)

HARVARD UNIVERSITY CLERICAL TECHNICAL WORKERS/AMERICAN
FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES, LOCAL 3650

(b) (6), (b) (7)(C)

Re: HARVARD UNIVERSITY
Case 01-CA-108322

Dear (b) (6), (b) (7)(C):

The charge that you filed in this case on June 28, 2013 has been docketed as case number 01-CA-108322. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge will be investigated by Field Attorney EMILY G. GOLDMAN whose telephone number is (617)565-6734. If the Board agent is not available, you may contact Supervisory Attorney LAURA A. SACKS whose telephone number is (617)565-6721.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, www.nlr.gov, or at the Regional office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

July 1, 2013

Procedures: We strongly urge everyone to submit all documents and other materials (except unfair labor practice charges and representation petitions) by E-Filing (not e-mailing) through our website www.nlr.gov. However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website www.nlr.gov or from the Regional Office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,



JONATHAN B. KREISBERG
Regional Director

cc: JOHN C. DEMPSEY, ESQ
AMERICAN FEDERATION OF STATE,
COUNTY AND MUNICIPAL
EMPLOYEES, AFL-CIO
1101 17th St., NW
Ste 900
WASHINGTON, DC 20036-4712

JANE CARTER, ASSISTANT
DIRECTOR OF ORGANIZING AND
FIELD SERVICES
AMERICAN FEDERATION OF STATE,
COUNTY AND MUNICIPAL
EMPLOYEES, AFL-CIO
1625 L STREET, NW
WASHINGTON, DC 20036-5687

NATIONAL LABOR RELATIONS BOARD

NOTICE OF APPEARANCE

Harvard University

and

Harvard Union of Clerical and Technical Workers/American
Federation of State, County and Municipal Employees Local
3650

CASE 01-CA-108322

☒ REGIONAL DIRECTOR

☐ EXECUTIVE SECRETARY
NATIONAL LABOR RELATIONS BOARD
Washington, DC 20570

☐ GENERAL COUNSEL
NATIONAL LABOR RELATIONS BOARD
Washington, DC 20570

THE UNDERSIGNED HEREBY ENTERS APPEARANCE AS REPRESENTATIVE OF _____

Employer, Harvard University

IN THE ABOVE-CAPTIONED MATTER.

CHECK THE APPROPRIATE BOX(ES) BELOW:

☒ REPRESENTATIVE IS AN ATTORNEY

☐ IF REPRESENTATIVE IS AN ATTORNEY, IN ORDER TO ENSURE THAT THE PARTY MAY RECEIVE COPIES OF CERTAIN DOCUMENTS OR CORRESPONDENCE FROM THE AGENCY IN ADDITION TO THOSE DESCRIBED BELOW, THIS BOX MUST BE CHECKED. IF THIS BOX IS NOT CHECKED, THE PARTY WILL RECEIVE ONLY COPIES OF CERTAIN DOCUMENTS SUCH AS CHARGES, PETITIONS AND FORMAL DOCUMENTS AS DESCRIBED IN SEC. 11842.3 OF THE CASEHANDLING MANUAL.

(REPRESENTATIVE INFORMATION)

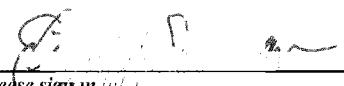
NAME: Elizabeth P. Seaman

MAILING ADDRESS: Harvard University, Office of the General Counsel
1350 Massachusetts Ave., Holyoke Ctr., Suite 980, Cambridge, MA 02138

E-MAIL ADDRESS: elizabeth_seaman@harvard.edu

OFFICE TELEPHONE NUMBER: 617-496-2791

CELL PHONE NUMBER: 617-251-5629 FAX: 617-495-5079

SIGNATURE: 

DATE: 

¹ IF CASE IS PENDING IN WASHINGTON AND NOTICE OF APPEARANCE IS SENT TO THE GENERAL COUNSEL OR THE EXECUTIVE SECRETARY, A COPY SHOULD BE SENT TO THE REGIONAL DIRECTOR OF THE REGION IN WHICH THE CASE WAS FILED SO THAT THOSE RECORDS WILL REFLECT THE APPEARANCE.

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
**FIRST AMENDED
CHARGE AGAINST EMPLOYER**

DO NOT WRITE IN THIS SPACE

Case
01-CA-108322Date Filed
August 28, 2013

INSTRUCTIONS

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT		
a. Name of Employer Harvard University	b. Tel No 617 496-9193	c. Cell No.
d. Address (street, city, state, ZIP code) Massachusetts Hall Cambridge, MA 02136	e. Employer Representative William Murphy	f. Fax No g. E-mail bill_murphy@harvard.edu h. Number of workers employed >10,000
i. Type of Establishment (factory, mine, wholesaler, etc.) University	j. Identify principal product or service Education	
k. The above-named employers have engaged in and are engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) (5) of the National Labor Relations Act, and these unfair labor practices are unfair practices affecting commerce within the meaning of the Act, and the Postal Reorganization Act		
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)		
<p>1. From April 8, 2013 until August 14, 2013, the Employer unreasonably delayed in providing the Union the personnel files of former employees (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C);</p> <p>2. From July 30, 2013 to present, the Employer has failed and refused to provide the Union with the names and personnel files of bargaining unit employees who, within the past 3 years, have been disciplined for failing to perform at an acceptable level by not attending to or failing to follow through on instructions, lacking attention to detail and/or making too many errors, or taking too long to complete projects;</p> <p>3. From June 18, 2013 to present, the Employer has failed and refused to provide the Union with the names and personnel files of all bargaining unit employees, broken down by age, who have been terminated within the past 3 years by Harvard within 300 days of taking a disability leave; and</p> <p>4. From June 18, 2013 to present, the Employer has failed and refused to provide the Union with a list, and copies, of all complaints and charges filed by bargaining unit employees against it under the Americans with Disabilities Act (ADA) and the Age Discrimination in Employment Act (ADEA).</p> <p>All of the requested information is necessary and relevant to the Union's representation of unit employees, including but not limited to its processing of grievances concerning the discipline and termination of employee (b) (6), (b) (7)(C).</p>		
3. Full name of party filing charge (if labor organization, give full name, including local name and number) Harvard Union of Clerical and Technical Workers/AFSCME, Local 3650		
4c. Address (street and number, city, state and ZIP code) (b) (6), (b) (7)(C)	4a. Telephone No 4b. Cell No (b) (6), (b) (7)(C) 4d. Fax No 4e. E-mail (b) (6), (b) (7)(C)	
5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization) American Federation of State, county and Municipal Employees		
6. DECLARATION		
I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief		
By (b) (6), (b) (7)(C) (Signature)	(b) (6), (b) (7)(C) (Print/type name and title or office, if any)	Tel No Cell No. (b) (6), (b) (7)(C) Fax No E-mail (b) (6), (b) (7)(C)
Address (b) (6), (b) (7)(C)		Date 8/28/13

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRB), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary, however, failure to supply the information will cause the NLRB to decline to invoke its processes.



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 1
10 Causeway St Fl 6
Boston, MA 02222-1001

Agency Website:
www.nlr.gov
Telephone: (617)565-6700
Fax: (617)565-6725

August 29, 2013

WILLIAM MURPHY
HARVARD UNIVERSITY
MASSACHUSETTS HALL
CAMBRIDGE, MA 02138

Re: HARVARD UNIVERSITY
Case 01-CA-108322

Dear Mr. MURPHY:

Enclosed is a copy of the first amended charge that has been filed in this case.

Investigator: This charge is being investigated by Field Attorney EMILY G. GOLDMAN whose telephone number is (617) 565-6734. If the agent is not available, you may contact Supervisory Attorney LAURA A. SACKS whose telephone number is (617) 565-6721.

Presentation of Your Evidence: As you know, we seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations in the first amended charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Procedures: Your right to representation, the means of presenting evidence, and a description of our procedures, including how to submit documents, was described in the letter sent to you with the original charge in this matter. If you have any questions, please contact the Board agent.

Very truly yours,

JONATHAN B. KREISBERG
Regional Director

Enclosure: Copy of first amended charge

cc: ELIZABETH P. SEAMAN
UNIVERSITY ATTORNEY
HARVARD UNIVERSITY
OFFICE OF THE GENERAL COUNSEL
1350 MASSACHUSETTS AVE.
SUITE 980
CAMBRIDGE, MA 02138-3846

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

HARVARD UNIVERSITY

Charged Party

and

**HARVARD UNION OF CLERICAL AND
TECHNICAL WORKERS, AMERICAN
FEDERATION OF STATE COUNTY AND
MUNICIPAL**

Charging Party

Case 01-CA-108322

AFFIDAVIT OF SERVICE OF FIRST AMENDED CHARGE AGAINST EMPLOYER

I, the undersigned employee of the National Labor Relations Board, being duly sworn, say that on , I served the above-entitled document(s) by regular mail upon the following persons, addressed to them at the following addresses:

WILLIAM MURPHY
HARVARD UNIVERSITY
MASSACHUSETTS HALL
CAMBRIDGE, MA 02138

ELIZABETH P. SEAMAN
UNIVERSITY ATTORNEY
HARVARD UNIVERSITY - OFFICE OF
THE GENERAL COUNSEL
1350 MASSACHUSETTS AVE SUITE 980
CAMBRIDGE, MA 02138-3846

Date

Joan Collins, Designated Agent of NLRB

Name

/s/ Joan Collins

Signature



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 1
10 Causeway St Fl 6
Boston, MA 02222-1001

Agency Website:
www.nlr.gov
Telephone: (617)565-6700
Fax: (617)565-6725

August 29, 2013

(b) (6), (b) (7)(C)

HARVARD UNIVERSITY CLERICAL TECHNICAL WORKERS/AFSCME, LOCAL 3650

(b) (6), (b) (7)(C)

Re: HARVARD UNIVERSITY
Case 01-CA-108322

Dear (b) (6), (b) (7)(C):

We have docketed the first amended charge that you filed in this case.

Investigator: This charge is being investigated by Field Attorney EMILY G. GOLDMAN whose telephone number is (617) 565-6734. If the agent is not available, you may contact Supervisory Attorney LAURA A. SACKS whose telephone number is (617) 565-6721.

Presentation of Your Evidence: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. If you have additional evidence regarding the allegations in the first amended charge and you have not yet scheduled a date and time for the Board agent to obtain that evidence, please contact the Board agent to arrange to present that evidence. If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed.

Procedures: Your right to representation, the means of presenting evidence, and a description of our procedures, including how to submit documents, was described in the letter sent to you with the original charge in this matter. If you have any questions, please contact the Board agent.

Very truly yours,

JONATHAN B. KREISBERG
Regional Director

cc: JOHN C. DEMPSEY, ESQ
AFSCME, AFL-CIO
1101 17TH ST., NW SUITE 900
WASHINGTON, DC 20036-4712

JANE CARTER, ASSISTANT DIRECTOR
OF ORGANIZING AND FIELD SERVICES
AFSCME, AFL-CIO
1625 L ST NW
WASHINGTON, DC 20036-5665

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
SETTLEMENT AGREEMENT

IN THE MATTER OF

HARVARD UNIVERSITY

Case 01-CA-108322

Subject to the approval of the Regional Director for the National Labor Relations Board, the Charged Party and the Charging Party **HEREBY AGREE TO SETTLE THE ABOVE MATTER AS FOLLOWS:**

POSTING OF NOTICES — After the Regional Director has approved this Agreement, the Regional Office will send copies of the approved Notices to the Charged Party in English and in additional languages if the Regional Director decides that it is appropriate to do so. A responsible official of the Charged Party will then sign and date those Notices and immediately post them in the locations specified in the Appendix to this Agreement. The Charged Party will keep all Notices posted for 60 consecutive days after the initial posting.

INTRANET POSTING - The Charged Party will also post a copy of the Notice in English, and in additional languages if the Regional Director decides that it is appropriate to do so, on its intranet and keep it continuously posted there for 60 consecutive days from the date it was originally posted. The Charged Party will submit a paper copy of the intranet or website posting to the Region's Compliance Officer when it submits the Certification of Posting and provide a password for a password protected intranet site in the event it is necessary to check the electronic posting.

E-MAILING NOTICES - The Charged Party will email a copy of the signed Notice in English and in additional languages if the Regional Director decides that it is appropriate to do so, to all bargaining unit employees. The message of the e-mail transmitted with the Notice will state: "We are distributing the Attached Notice to Employees to you pursuant to a Settlement Agreement approved by the Regional Director of Region One of the National Labor Relations Board in Case(s) 01-CA-108322." The Charged Party will forward a copy of that e-mail, with all of the recipient's e-mail addresses, to the Region's Compliance Officer at claire.powers@nlrb.gov.

COMPLIANCE WITH NOTICE — The Charged Party will comply with all the terms and provisions of said Notice.

SCOPE OF THE AGREEMENT — This Agreement settles only the following allegations in the above-captioned case(s), and does not settle any other case(s) or matters: violating Section 8(a)(5) by failing and refusing to supply the Charging Party with requested information, and failing and refusing to supply the Charging Party with requested information in a timely manner.

It does not prevent persons from filing charges, the General Counsel from prosecuting complaints, or the Board and the courts from finding violations with respect to matters that happened before this Agreement was approved regardless of whether General Counsel knew of those matters or could have easily found them out. The General Counsel reserves the right to use the evidence obtained in the investigation and prosecution of the above-captioned case(s) for any relevant purpose in the litigation of this or any other case(s), and a judge, the Board and the courts may make findings of fact and/or conclusions of law with respect to said evidence.

PARTIES TO THE AGREEMENT — If the Charging Party fails or refuses to become a party to this Agreement and the Regional Director determines that it will promote the policies of the National Labor Relations Act, the Regional Director may approve the settlement agreement and decline to issue or reissue a Complaint in this matter. If that occurs, this Agreement shall be between the Charged Party and the undersigned Regional Director. In that case, a Charging Party may request review of the decision to approve the Agreement. If the General Counsel does not sustain the Regional Director's approval, this Agreement shall be null and void.

Appendix to Settlement Agreement
Harvard University, Case 01-CA-108322

Notice Posting Locations

- Widener Library Staff Lounge, ground floor;
- Lamont Library Staff lounge, 3rd floor;
- 625 Mass. Ave., 3rd floor bulletin board (in hallway between reading room and staff kitchen);
- William James Hall, 6th floor break room;
- Langdell Library, notice boards near the staff mailboxes and across from the staff lounge, on the Technical Services floor;
- Pierce Hall, School of Engineering and Applied Sciences, Human Resources bulletin board;
- Harvard University Library Human Resources, 8 Story Street, Staff bulletin board;
- Office of Labor and Employee Relations, Staff bulletin board;
- Office of the General Counsel, Staff bulletin board;
- Benefits Office, Staff bulletin board; and
- Faculty of Arts & Sciences, Human Resources Department.

(To be printed and posted on official Board notice form)

FEDERAL LAW GIVES YOU THE RIGHT TO:

- Form, join, or assist a union
- Bargain collectively through a representative chosen by employees
- Act together with other employees for your benefit and protection
- Choose not to engage in any of these protected activities

WE WILL NOT do anything that interferes with these rights. More specifically,

WE WILL NOT fail or refuse to bargain collectively and in good faith with the Harvard Union of Clerical and Technical Workers, AFSCME, AFL-CIO, Local 3650 (the Union) as the exclusive collective-bargaining representative of our clerical and technical employees in Massachusetts.

WE WILL NOT fail or refuse to supply the Union with requested information that it needs to represent you.

WE WILL NOT fail or refuse to supply the Union, in a timely manner, with requested information that it needs to represent you.

WE WILL NOT in any similar way interfere with the exercise of your rights under Federal law listed above.

WE WILL bargain collectively and in good faith with the Union as your exclusive collective bargaining representative.

WE WILL supply the Union with requested information that it needs to represent you.

WE WILL supply the Union, in a timely manner, with requested information that it needs to represent you.

WE HAVE supplied the Union with the personnel files of two former employees pursuant to its April 8, 2013 request, and information regarding charges filed under the ADA and ADEA pursuant to its June 18 request.

WE WILL supply the Union with the information it requested on June 18, 2013 concerning unit employees terminated during the past 3 years within 300 days of the conclusion of a disability leave and on July 30, 2013 concerning unit employees who, within the past 3 years, have received written discipline for failing to perform at an acceptable level.

HARVARD UNIVERSITY
(Employer)

Dated: _____ By: _____
(Representative) (Title)

The National Labor Relations Board is an independent Federal agency created in 1935 to enforce the National Labor Relations Act. We conduct secret-ballot elections to determine whether employees want union representation and we investigate and remedy unfair labor practices by employers and unions. To find out more about your rights under the Act and how to file a charge or election petition, you may speak confidentially to any agent with the Board's Regional Office set forth below or you may call the Board's toll-free number 1-866-667-NLRB (1-866-667-6572). Hearing impaired persons may contact the Agency's TTY service at 1-866-315-NLRB. You may also obtain information from the Board's website: www.nlrb.gov.

10 Causeway St Fl 6
Boston, MA 02222-1001

Telephone: (617)565-6700
Hours of Operation: 8:30 a.m. to 5
p.m.

CERTIFICATION OF POSTING

RE: HARVARD UNIVERSITY
Case 01-CA-108322

1. Physical Posting

The Notice to Employees in the above matter was posted on or about

(date) 11/19/13 at the following locations: (List specific places of posting)

Widener Library Staff Lounge; Lamont Library Staff Lounge; 625
Mass Ave. 3d Floor; William James Hall; 6th floor; Langdell Library Tech
Services; Pierce Hall; HU Library HR; OLER; OGC; Benefits Office; and,
FAS HR.

2. Intranet Posting

The Notice to Employees in the above matter was posted on the Employer's Intranet/Website on

(date) 11/19/13. A copy of the intranet/website posting is attached.

3. Electronic Distribution

The Notice to Employees in the above captioned matter was also distributed electronically on

(date) 11/26/13 by the following means. (State means of distribution and attach proof.)

Via broadcast e-mail to all HUCTW members

CHARGED PARTY/RESPONDENT

By: _____

(b) (6), (b) (7)(C)

Title: _____

(b) (6), (b) (7)(C)

Date: _____

11/27/13

This form should be returned to the Regional Office, together with one original Notices, dated and signed in the same manner as those posted.

✓

Loconto, Michael

From: Harvard Labor and Employee Relations
Sent: Tuesday, November 26, 2013 5:44 PM
To: 'harvard_labor_and_employee_relations@calists.harvard.edu'
Subject: Notice of Collective Bargaining Rights to HUCTW Membership.
Attachments: Settlement Notice Poster NLRB Case 01-CA-108322.pdf

We are distributing the Attached Notice to Employees to you pursuant to a Settlement Agreement approved by the Regional Director of Region One of the National Labor Relations Board in Case(s) 01-CA-108322.



NOTICE TO EMPLOYEES



POSTED PURSUANT TO A SETTLEMENT AGREEMENT APPROVED BY A REGIONAL DIRECTOR OF THE NATIONAL LABOR RELATIONS BOARD

AN AGENCY OF THE UNITED STATES GOVERNMENT
FEDERAL LAW GIVES YOU THE RIGHT TO:

- Form, join, or assist a union
- Bargain collectively through a representative chosen by employees
- Act together with other employees for your benefit and protection
- Choose not to engage in any of these protected activities

WE WILL NOT do anything that interferes with these rights. More specifically,

WE WILL NOT fail or refuse to bargain collectively and in good faith with the Harvard Union of Clerical and Technical Workers, AFSCME, AFL-CIO, Local 3650 (the Union) as the exclusive collective-bargaining representative of our clerical and technical employees in Massachusetts.

WE WILL NOT fail or refuse to supply the Union with requested information that it needs to represent you.

WE WILL NOT fail or refuse to supply the Union, in a timely manner, with requested information that it needs to represent you.

WE WILL NOT in any similar way interfere with the exercise of your rights under Federal law listed above.

WE WILL bargain collectively and in good faith with the Union as your exclusive collective bargaining representative.

WE WILL supply the Union with requested information that it needs to represent you.

WE WILL supply the Union, in a timely manner, with requested information that it needs to represent you.

WE HAVE supplied the Union with the personnel files of two former employees pursuant to its April 8, 2013 request, and information regarding charges filed under the ADA and ADEA pursuant to its June 18 request.

WE WILL supply the Union with the information it requested on June 18, 2013 concerning unit employees terminated during the past 3 years within 300 days of the conclusion of a disability leave and on July 30, 2013 concerning unit employees who, within the past 3 years, have received written discipline for failing to perform at an acceptable level.

HARVARD UNIVERSITY

DATED: 11/19/13

BY: (b) (6), (b) (7)(C) (Employer)
(b) (6), (b) (7)(C) (Title)

The National Labor Relations Board is an independent Federal agency created in 1935 to enforce the National Labor Relations Act. It conducts secret-ballot elections to determine whether employees want union representation and it investigates and remedies unfair labor practices by employers and unions. To find out more about your rights under the Act and how to file a charge or election petition, you may speak confidentially to any agent with the Board's Regional Office set forth below. You may also obtain information from the Board's website: www.nlr.gov and the toll-free number (866)867-NLRB (6572).

THIS IS AN OFFICIAL NOTICE AND MUST NOT BE DEFACED BY ANYONE

This notice must remain posted for 60 consecutive days from the date of posting and must not be altered, defaced, or covered by any other material. Any questions concerning this notice or compliance with its provisions may be directed to the Board's Office.

O'Neill Federal Building, 10 Causeway St., 6th Floor, Boston, MA 02222, Telephone: (617)565-6700, Hours of Operation: 8:30 a.m. to 5:00 p.m.
The toll-free number is: 1-866-667-6572. Hearing impaired persons may contact the Agency's TTY service at 1-866-315-6572.

Source: laborrelations.harvard.edu/pdf/SettlementNoticePoster.pdf (accessed: 11/20/13)



NOTICE TO EMPLOYEES



POSTED PURSUANT TO A SETTLEMENT AGREEMENT APPROVED BY A REGIONAL DIRECTOR OF THE NATIONAL LABOR RELATIONS BOARD

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FEDERAL LAW GIVES YOU THE RIGHT TO:

- Form, join, or assist a union
- Bargain collectively through a representative chosen by employees
- Act together with other employees for your benefit and protection
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HARVARD UNIVERSITY

(Employer)

DATED: 11/19/13

BY:

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)
(Title)

The National Labor Relations Board is an independent Federal agency created in 1935 to enforce the National Labor Relations Act. It conducts secret-ballot elections to determine whether employees want union representation and it investigates and remedies unfair labor practices by employers and unions. To find out more about your rights under the Act and how to file a charge or election petition, you may speak confidentially to any agent with the Board's Regional Office set forth below. You may also obtain information from the Board's website: www.nlr.gov and the toll-free number (866)667-NLRB (6572).

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O'Neill Federal Building, 10 Causeway St., 6th Floor, Boston, MA 02222, Telephone: (617)565-6700, Hours of Operation: 8:30 a.m. to 5:00 p.m.
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UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 1
10 Causeway St Fl 6
Boston, MA 02222-1001

Agency Website: www.nlr.gov
Telephone: (617)565-6700
Fax: (617)565-6725

February 12, 2014

ELIZABETH P. SEAMAN
UNIVERSITY ATTORNEY
HARVARD UNIVERSITY –
OFFICE OF THE GENERAL COUNSEL
1350 MASSACHUSETTS AVE STE 980
CAMBRIDGE, MA 02138-3846

Re: HARVARD UNIVERSITY
Case 01-CA-108322

Dear Ms. Seaman:

The above-captioned case has been closed on compliance. Please note that the closing is conditioned upon continued observance of the Informal Settlement Agreement.

Very truly yours,

Jonathan B. Kreisberg
Regional Director

JBK:dv

cc: WILLIAM MURPHY
HARVARD UNIVERSITY
124 MT. AUBURN ST.
SUITE 480 SOUTH
CAMBRIDGE, MA 02138

(b) (6), (b) (7)(C)
HARVARD UNIVERSITY CLERICAL
TECHNICAL WORKERS/AMERICAN
FEDERATION OF STATE, COUNTY
AND MUNICIPAL EMPLOYEES,
LOCAL 3650

(b) (6), (b) (7)(C)

WILLIAM LURYE
GENERAL COUNSEL
AMERICAN FEDERATION OF STATE,
COUNTY AND MUNICIPAL
EMPLOYEES, AFL-CIO
1101 17TH STREET NW., SUITE 900
WASHINGTON, DC 20036-4712

JANE CARTER, ASSISTANT
DIRECTOR OF ORGANIZING AND
FIELD SERVICES
AMERICAN FEDERATION OF STATE,
COUNTY AND MUNICIPAL
EMPLOYEES, AFL-CIO
1625 L ST NW
WASHINGTON, DC 20036-5665

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
**CHARGE AGAINST LABOR ORGANIZATION
OR ITS AGENTS**

DO NOT WRITE IN THIS SPACE	
Case 01-CB-089446	Date Filed September 18, 2012

INSTRUCTIONS: File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. LABOR ORGANIZATION OR ITS AGENTS AGAINST WHICH CHARGE IS BROUGHT			
a. Name Service Employees International Union, Local 615		b. Union Representative to contact Francis Fanning	
c. Address (Street, city, state, and ZIP code) 60 Canal Street, Floor 6 Boston, MA 02114-2030		d. Tel. No. 617-523-6150	e. Cell No.
		f. Fax No. 617-367-7372	g. e-Mail
h. The above-named organization(s) or its agents has (have) engaged in and is (are) engaging in unfair labor practices within the meaning of section 8(b), subsection(s) (list subsections) (1)(a) of the National Labor Relations Act, and these unfair labor practices are unfair practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.			
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices) The Union has failed to represent the bargaining unit, by not filing grievances or returning phone calls.			
3. Name of Employer Harvard University		4a. Tel. No. 617-496-9193	b. Cell No.
		c. Fax No. 617-496-3998	d. e-Mail
5. Location of plant involved (street, city, state and ZIP code) 1 Oxford Street Cambridge, MA 02138		6. Employer representative to contact William Murphy Director Labor	
7. Type of establishment (factory, mine, wholesaler, etc.) University	8. Identify principal product or service Education	9. Number of workers employed 300	
10. Full name of party filing charge (b) (6), (b) (7)(C)		11a. Tel. No. (b) (6), (b) (7)(C)	b. Cell No. (b) (6), (b) (7)(C)
		c. Fax No.	d. e-Mail (b) (6), (b) (7)(C)
11. Address of party filing charge (street, city, state and ZIP code.) (b) (6), (b) (7)(C)			
12. DECLARATION I declare that (b) (6), (b) (7)(C) at the statements therein (b) (6), (b) (7)(C) By (signature) (b) (6), (b) (7)(C) making charge) (b) (6), (b) (7)(C) Address (b) (6), (b) (7)(C) (date) 09/18/12		Tel. No. (b) (6), (b) (7)(C) Cell No. (b) (6), (b) (7)(C) Fax No. e-Mail (b) (6), (b) (7)(C)	

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 1
10 CAUSEWAY ST
6TH FLOOR
BOSTON, MA 02222-1001

Agency Website: www.nlr.gov
Telephone: (617)565-6700
Fax: (617)565-6725

September 19, 2012

FRANCIS FANNING
SERVICE EMPLOYEES UNION, LOCAL 615
60 CANAL ST., 6TH FLOOR
BOSTON, MA 02114-2030

Re: Service Employees Union, Local 615
(Harvard University)
Case 01-CB-089446

Dear Mr. Fanning:

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Attorney LAURA PAWLE whose telephone number is (617) 565-6739. If this Board agent is not available, you may contact Supervisory Attorney KATHLEEN F. MCCARTHY whose telephone number is (617) 565-6754.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing Form NLRB-4701, Notice of Appearance. This form is available on our website, www.nlr.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

September 19, 2012

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

We will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the Freedom of Information Act and the Federal Records Act. Thus, we will not honor any claim of confidentiality except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material you submit may be introduced as evidence at any hearing before an administrative law judge. We are also required by the Federal Records Act to keep copies of documents gathered in our investigation for some years after a case closes. Further, the Freedom of Information Act may require that we disclose such records in closed cases upon request, unless there is an applicable exemption. Examples of those exemptions are those that protect confidential financial information or personal privacy interests.

Procedures: We strongly urge everyone to submit all documents and other materials (except unfair labor practice charges and representation petitions) by E-Filing (not e-mailing) through our website, www.nlr.gov. However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlr.gov or from an NLRB office upon your request. NLRB Form 4541 offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

/s/ Ronald S. Cohen

Ronald S. Cohen
Acting Regional Director

Enclosure: Copy of Charge

cc: JUDITH A. SCOTT
GENERAL COUNSEL
SERVICE EMPLOYEES
INTERNATIONAL UNION
1800 MASSACHUSETTS AVE., N.W.
WASHINGTON, DC 20036-1806

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

SERVICE EMPLOYEES UNION, LOCAL 615

Charged Party

and

(b) (6), (b) (7)(C)

Charging Party

Case 01-CB-089446

AFFIDAVIT OF SERVICE OF CHARGE AGAINST LABOR ORGANIZATION

I, the undersigned employee of the National Labor Relations Board, state under oath that on September 19, 2012, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

FRANCIS FANNING
SERVICE EMPLOYEES
INTERNATIONAL UNION, LOCAL 615
60 CANAL ST., 6TH FLOOR
BOSTON, MA 02114-2030

JUDITH A. SCOTT, GENERAL COUNSEL
SERVICE EMPLOYEES
INTERNATIONAL UNION
1800 MASSACHUSETTS AVE., N.W.
WASHINGTON, DC 20036-1806

September 19, 2012

Date

Joan Collins, Designated Agent of NLRB

Name

Signature



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 1
10 CAUSEWAY ST
6TH FLOOR
BOSTON, MA 02222-1001

Agency Website: www.nlr.gov
Telephone: (617)565-6700
Fax: (617)565-6725

September 19, 2012

(b) (6), (b) (7)(C)

Re: Service Employees Union, Local 615
(Harvard University)
Case 01-CB-089446

Dear (b) (6), (b) (7)(C):

The charge that you filed in this case on September 18, 2012 has been docketed as case number 01-CB-089446. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge will be investigated by Field Attorney LAURA PAWLE whose telephone number is (617) 565-6739. If the Board agent is not available, you may contact Supervisory Attorney KATHLEEN F. MCCARTHY whose telephone number is (617) 565-6754.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, www.nlr.gov, or at the Regional office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

Procedures: We strongly urge everyone to submit all documents and other materials (except unfair labor practice charges and representation petitions) by E-Filing (not e-mailing) through our website www.nlr.gov. However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website www.nlr.gov or from the Regional Office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

/s/ Ronald S. Cohen

Ronald S. Cohen
Acting Regional Director



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 1
10 CAUSEWAY ST
6TH FLOOR
BOSTON, MA 02222-1001

Agency Website: www.nlr.gov
Telephone: (617)565-6700
Fax: (617)565-6725

September 19, 2012

WILLIAM MURPHY
DIRECTOR OF LABOR AND EMPLOYEE RELATIONS
HARVARD UNIVERSITY
1 OXFORD STREET
CAMBRIDGE, MA 02138-2901

Re: Service Employees Union, Local 615
(Harvard University)
Case 01-CB-089446

Dear Mr. Murphy:

Enclosed is a copy of a charge that has been filed in this case. Although this charge is not filed against you, it is necessary for us to obtain information from you to determine whether we have jurisdiction over this case. In the future we may also need to obtain evidence from you concerning the merits of the charge. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge will be investigated by Field Attorney LAURA PAWLE whose telephone number is (617) 565-6739. If this Board agent is not available, you may contact Supervisory Attorney KATHLEEN F. MCCARTHY whose telephone number is (617) 565-6754.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, www.nlr.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently

September 19, 2012

submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

If, during the investigation of this matter, the Board agent asks for evidence, I strongly urge you or your representative to promptly present all evidence relevant to the investigation. In this way, the case may be fully investigated more quickly.

We will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the Freedom of Information Act and the Federal Records Act. Thus, we will not honor any claim of confidentiality except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material you submit may be introduced as evidence at a hearing before an administrative law judge. We are also required by the Federal Records Act to keep copies of documents gathered in our investigation for some years after a case closes. Further, the Freedom of Information Act may require that we disclose such records in closed cases upon request, unless there is an applicable exemption. Examples of those exemptions are those that protect confidential financial information or personal privacy interests.

Procedures: We strongly urge everyone to submit all documents and other materials (except unfair labor practice charges and representation petitions) by E-Filing (not e-mailing) through our website, www.nlr.gov. However, the Agency will continue to accept timely filed paper documents. On all your correspondence regarding the charge, please include the case name and number indicated above.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlr.gov or from an NLRB office upon your request. *NLRB Form 4541, Investigative Procedures*, offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

/s/ Ronald S. Cohen

Ronald S. Cohen
Acting Regional Director

Enclosures

1. Copy of Charge
2. Commerce Questionnaire



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 1
10 CAUSEWAY ST.
6TH FLOOR
BOSTON, MA 02222-1001

Agency Website: www.nlr.gov
Telephone: (617)565-6700
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November 21, 2012

INGRID NAVA, GENERAL COUNSEL
SERVICE EMPLOYEES INTERNATIONAL UNION,
LOCAL 615
26 WEST STREET, 3RD FL.
BOSTON, MA 02111-1207

Re: Service Employees International Union,
Local 615 (Harvard University)
Case 01-CB-089446

Dear Ms. Nava:

This is to advise you that I have approved the withdrawal of the charge in the above matter.

Very truly yours,

/s/ Ronald S. Cohen

Ronald S. Cohen
Acting Regional Director

RSC/ln

cc: See attachment

Attachment

cc:

(b) (6), (b) (7)(C)

SERVICE EMPLOYEES INTERNATIONAL UNION,
LOCAL 615
26 WEST ST., 3RD FLOOR
BOSTON, MA 02111-1207

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(b) (6), (b) (7)(C)

WILLIAM MURPHY,
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